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**OFFICE OF PETITIONS**

In re Application of :  
Dustin Carr, Ho Bun Chan and :  
Alex Tran :  
Application No. 10/743,253 :  
Filed: December 22, 2003 :  
Title: OPTICAL SUBSTANCE ANALYZER :  
Attorney Docket No. Carr 8-4-5 :

DECISION ACCORDING STATUS  
UNDER 37 C.F.R. § 1.47(a)

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.47(a)," filed September 24, 2004.

The petition is **GRANTED**.

The above-identified application was filed on December 22, 2003, with an unexecuted declaration, missing the basic statutory filing fee and with additional claim fees due. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," mailed April 5, 2004, on May 26, 2004, applicants filed the initial petition under 1.47(a). However, by decision mailed August 4, 2004, the petition was dismissed for failure to show that inventor Carr had refused to join in the application. Petitioner had failed to demonstrate that a *bona fide* attempt had been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

Applicants have now provided adequate evidence that the entire application package, including specification, claims and drawings, were sent by Express Mail delivery to inventor Carr and by his failure to respond he has refused to join in the application.


The declaration filed May 26, 2004, and the petition have been reviewed and are now found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be examined in Technology Center 2874 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions